

DECLARATION OF AARON KORTHUIS

I, Aaron Korthuis, hereby declare:

1. I am an attorney with the Northwest Immigrant Rights Project (NWIRP) in Seattle, WA. I am over the age of 18 and competent to testify about the matters below.
2. I have been a staff attorney in NWIRP's litigation unit for over six years. Prior to working at NWIRP, I clerked for the Honorable Christopher F. Droney on the U.S. Court of Appeals for the Second Circuit. I obtained a J.D. from Yale Law School in 2017.

Bond Appeal Processing Times

3. In February 2024, I submitted a Freedom of Information Act request to the Executive Office of Immigration Review (EOIR) requesting records that reflect the average time that it takes the Board of Immigration Appeals (BIA) to adjudicate an appeal of an immigration judge bond decision.
4. In response, in June 2024, EOIR released to me an Excel spreadsheet that contains appeal processing times and the outcome of each appeal for bond appeals. The spreadsheet included data from Fiscal Year 2015 through March of Fiscal Year 2024.
5. The June 2024 spreadsheet included EOIR's own calculations of its average processing time for appeals of IJ bond decisions. According to this data, the average processing times for EOIR bond appeals over the last decade were as follows:

FY	Average Processing Time (In Days)
FY 2015	90
FY 2016	94
FY 2017	108
FY 2018	114
FY 2019	141
FY 2020	149
FY 2021	189
FY 2022	228
FY 2023	160
FY 2024	204

6. While the average appeal time is over 200 days, appeals can last far longer. The data also shows that 200 cases took a year or longer to resolve. In addition, in dozens of cases, the BIA took multiple years to resolve the matter. In a few extreme cases, the BIA even took five years or more to address an appeal.

Number of Appeals

7. The June 2024 spreadsheet that I obtained is a list of the outcomes of all bond appeals from Fiscal Year 2015 through March of Fiscal Year 2024. Because the spreadsheet provides data by Fiscal Year, it helps to identify the number of bond appeals filed with the agency in any given 12-month period.

8. According to the spreadsheet, the number of bond appeals decided (in any fashion) were as follows from Fiscal Years 2020–2023:

- a. Fiscal Year 2020: 2788
- b. Fiscal Year 2021: 1168
- c. Fiscal Year 2022: 466
- d. Fiscal Year 2023: 548

9. While the data reflects a declining number of appeals, this trend is likely to reverse itself for two reasons. First, detention numbers declined significantly during the COVID-19 pandemic. Second, increased interior enforcement—which the new administration has made a priority—has already resulted in significantly higher numbers of detained persons at facilities like the Northwest ICE Processing Center. This will result in a higher number of bond appeals as individuals seek bond and are denied.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: March 18, 2025.

s/ Aaron Korthuis

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